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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,337	09/23/2003	Phillip J. RAE	10286.0349.NPUS01	2336

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EXAMINER

BATES, ZAKIYA W

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,337	<b>Applicant(s)</b> RAE ET AL.	
	<b>Examiner</b> Zakiya W. Bates	<b>Art Unit</b> 3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 18-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05132004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 1-17 in the reply filed on 10/10/05 is acknowledged.

### ***Specification***

2. The disclosure is objected to because of the following informalities: in paragraph [0001], the term "priority to" should be replaced with --the benefit of--.

Appropriate correction is required.

3. The abstract of the disclosure is objected to because the term "are disclosed" is stated in line 2. Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Objections***

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 8 [1<sup>st</sup> occurrence] has been renumbered claim 7.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 12-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/02698 (cited by applicant).

WO'698 discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits', and pumping a well treatment composition into the well, wherein the

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composition comprises water, a buffer, and hydrogen peroxide or a per-acid. With respect to depending claims 2-5 and 12-15, the reference teaches the limitations as claimed (see entire document, especially pages 8-11). With respect to claim 17, the reference discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits ; and pumping a well treatment composition into the well, wherein the composition comprises water and hydrogen peroxide.

8. Claims 1-5, 12-14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 85/04213 (cited by applicant).

WO'213 discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits', and pumping a well treatment composition into the well, wherein the composition comprises water, a buffer, and hydrogen peroxide or a per-acid. With respect to depending claims 2-5 and 12-14, the reference teaches the limitations as claimed (see entire document, especially pages 2-7). With respect to claim 17, the reference discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits ; and pumping a well treatment composition into the well, wherein the composition comprises water and hydrogen peroxide.

9. Claims 1-6, 12, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,069,286.

US'286 discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits', and pumping a well treatment composition into the well, wherein the composition comprises water, a buffer, and hydrogen peroxide or a per-acid. With respect to depending claims 2-6, 12, and 16, the reference teaches the limitations as claimed (see entire document, especially cols. 6-7). With respect to claim 17, the reference discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits ; and pumping a well treatment composition into the well, wherein the composition comprises water and hydrogen peroxide.

10. Claims 1-6, 12, 14, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,818,594.

US'594 discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits', and pumping a well treatment composition into the well, wherein the composition comprises water, a buffer, and hydrogen peroxide or a per-acid. With respect to depending claims 2-6, 12, 14, and 16, the reference teaches the limitations as claimed (see entire document, especially cols. 21-23, 27, and 36, and the claims). With respect to claim 17, the reference discloses a method that includes a method for improving the permeability of a well, the method comprising: selecting a well suspected of containing polymer deposits ; and pumping a well treatment composition into the well, wherein the composition comprises water and hydrogen peroxide.

***Allowable Subject Matter***


11. Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates (formerly Zakiya Walker) whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Zakiya W. Bates  
Primary Examiner  
Art Unit 3676

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October 14, 2005